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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,955	03/11/2004	Timothy D. Killinger	29618/39225D	7721

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EXAMINER

NEWTON, JARED W

ART UNIT PAPER NUMBER

3634

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,955	Applicant(s) KILLINGER ET AL.	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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At the outset, please note that the present Application has been re-assigned to the undersigned Examiner, Jared W. Newton. Any further prosecution will take place through him.

DETAILED ACTION

This Final Rejection is in reply to the remarks filed March 13, 2006, by which claims 1, 3, 8, and 9 were amended, and claims 10-20 were added.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing are informal and contain broken and or non-uniform lines. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Claims 1-8 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,505,388 to Solomon.

In regard to claims 1 and 17, Solomon discloses an expandable filing system comprising: an exterior shell 10 having an outer surface (see FIGS. 1 and 2); an

openable panel 16 defining part of the exterior shell, the openable panel having a bottom edge 32, a forward facing surface, and a rear facing surface (see FIG. 2), the openable panel 16 being pivotal about the bottom edge 32 outward from the exterior shell between a retracted condition (see FIG. 2) at which the forward facing surface is generally flush with the outer surface of the exterior shell and an open condition 34 (see FIG. 2, phantom) away from the outer surface of the exterior shell; and

a file support structure (see Abstract, ln. 14-15) capable of suspending a file at any position along its length when the openable panel is in the open condition, said structure having a file storage area, an open top for insertion, access to, and removal of files from the file storage area, a pair of panels 66 extending rearward from the rear facing surface of the openable panel defining in part the file storage area, and a file suspension device (upper edges of panels 66—see col. 2, ln. 55-65) provided to suspend files within the file storage area, the file support structure disposed adjacent to the rear facing surface of the openable panel and being movable in concert with the openable panel (see FIG. 2), wherein the open top is accessible when the openable panel is in the open condition (see FIG. 2, phantom) and wherein the file support structure is disposed within the exterior shell when the openable panel is in the retracted condition (see FIG. 2).

In regard to claim 2, Solomon further discloses the exterior shell comprising: a pair of opposed side panels 12 and 14; and a front panel 16 defined at least in part by the openable panel (see FIG. 2).

In regard to claims 3 and 18, Solomon further discloses the file support structure comprising: a pair of suspension surfaces (upper edges of panels 66) on laterally spaced apart and opposed side of the open top (see FIG. 2).

In regard to claim 4, Solomon further discloses the pair of suspension surfaces arranged to present files suspended in the file storage area in a forwardly and downward cascading arrangement (see FIG. 2, phantom).

In regard to claims 5 and 19, Solomon further discloses each pair of suspension surfaces as arched (see FIG. 2).

In regard to claims 6 and 7, Solomon further discloses the exterior shell comprising a top panel 22 providing a generally horizontal support surface in the form of a table when the openable panel is in the retracted position (see FIG. 2).

In regard to claim 8, Solomon further discloses the exterior shell and the openable panel 16 as combinable to form a configuration that hides the file storage area of the storage device when the openable panel is in the closed condition (see FIG. 2).

In regard to claim 20, said suspension surfaces extend continuously from the openable panel to a rear end (see FIG. 2).

Claim Rejections - 35 USC § 103

Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,505,388 to Solomon as applied to claims 1-8 and 17-20 above, and further in view of US Patent No. 4,666,047 to Fletcher.

Solomon discloses the expandable filing system as set forth above, including all of the limitations of claims 10-16. Solomon does not specifically set forth the file suspension supports (shown as the upper edges of panels 66) as having a series of notches. Fletcher discloses a hanger support for filing cabinets comprising: frame members 26 and 28 for supporting stationary rails 18 and 20, said rails adapted for receiving suspension rails 50 and 52 for supporting file hangers (see FIGS. 1 and 6). Fletcher further discloses each of said stationary rails comprising a plurality of notches 44 (see FIG. 1), wherein said notches retain said suspension rails, and thus said file hangers. The Solomon and Fletcher references are analogous art because they are from the same field of endeavor—file suspension devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the notches as disclosed by Fletcher on the upper edges of the panels as disclosed by Solomon. The motivation would have been that as set forth by Fletcher—to maintain files in a spaced relationship (see Fletcher, col. 4, ln. 4-15). It would be an obvious and successful improvement to the upper shoulders of the panels 66 of Solomon, to provide said shoulders with evenly spaced notches, in order to maintain files in an evenly spaced and orderly manner.

Response to Arguments

Applicant is thanked for his correction of the Specification set forth in the Remarks filed March 13, 2006.

The Rejection of claims 3 and 8 under 35 U.S.C. 112 2nd Paragraph set forth in the Office Action dated December 9, 2005, are hereby withdrawn.

Applicant's arguments with respect to the 35 U.S.C. 102 rejections of claim 1-8 and 9-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

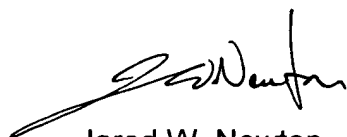
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

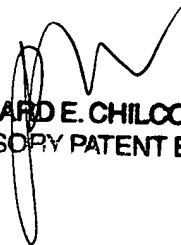
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jared W. Newton
August 8, 2006
JWN



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER